

SUMMARY OF PHONE INTERVIEW

December 9, 2008: The Examiner and Applicant's counsel Sabin Lee and Terry Tullis discussed the structure of the patent foramen ovale and potential amendments to independent Claims 1 and 10 and some dependent claims.

Exhibits and/or Demonstrations: n/a

Identification of Claims Discussed: 1 and 10 in particular

Identification of Prior Art Discussed: Shaw (U.S. 6,080,182)

Proposed Amendments:

Amending the preamble of Claims 1 and 10 to clarify the structure of the channel of the patent foramen ovale.

Amending Claim 1 to clarify the position of the intermediate segment of the closure device with respect to the structure of the channel of the patent foramen ovale.

Amending one or more claims to further clarify the locking element in light of the flexible inner tube 152 in Shaw.

Principal Arguments and Other Matters

Discussed the distinctions between the patent foramen ovale and the septal defects disclosed in Shaw. Discussed the characterization of a locking element in Shaw with regard to Shaw's flexible inner tube 152. The Examiner suggested amendments clarifying the channel defined by the patent foramen ovale and how the device is situated in the channel. Amendments for overcoming the cited art in the claims were discussed and will be submitted in the office action response.

Results of Interview

The Examiner will consider the amendments and remarks of the Applicant's response in light of the interview.